

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KESHA A. MCCAY,

Defendant.

Case No. 04-cr-40039-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Kesha A. McCay's motion that this Court recommend that the Bureau of Prisons allow McCay to serve the last twelve months of her sentence in a Community Corrections Center (Doc. 831). Once a Court imposes a term of imprisonment, placement of the prisoner in an institution is entirely within the discretion of the Bureau of Prisons ("BOP"). 18 U.S.C. § 3621(b). At the time of sentencing the Court has discretion to recommend a term of imprisonment be served at a particular facility; however, even at the time of sentencing, that recommendation has no binding authority over the BOP. *Id.* Because this Court has no authority to direct the BOP to house McCay in a particular facility, her request to serve the last twelve months of her term of incarceration in a Community Corrections Center is better directed to the BOP. Accordingly, the Court **DENIES** McCay's motion (Doc. 831).

IT IS SO ORDERED.

DATED: November 14, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE